

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ART-OPTIC, LTD.,	:
	:
Plaintiff,	:
	:
	:
v.	:
	:
SAMUEL TOMASHOVER,	:
MERYL TOMASHOVER and	:
NEWLIGHT EYEWEAR, LLC,	:
	:
Defendants.	:
-----X	

08 CV 0327 (MGC)(KNF)

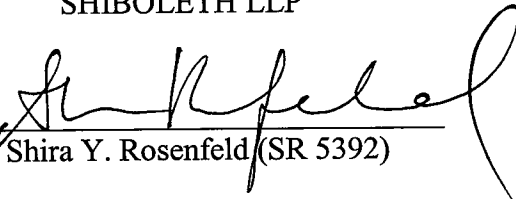
NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Shira Y. Rosenfeld, dated August 8, 2008, the undersigned will move this Court before the Honorable Miriam Goldman Cedarbaum at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14A, New York, New York, on September 12, 2008, for an order pursuant to Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York granting the undersigned to withdraw as counsel of record for plaintiff Art-Optic, Ltd., and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York requires that any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: New York, New York
August 18, 2008

SHIBOLETH LLP

By: 
Shira Y. Rosenfeld (SR 5392)

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To:

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Plaintiff

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UNITED STATES DISTRICT COURT
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ART-OPTIC, LTD.,

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v.

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**DECLARATION OF
SHIRA Y. ROSENFELD**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

SHIRA Y. ROSENFELD declares as follows:

1. I am an attorney admitted to practice in the State of New York and the United States District Court, Southern District of New York. I am Of Counsel to Shibolet LLP, and we are currently attorney of record for plaintiff Art-Optic, Ltd. I make this declaration in support of our motion to withdraw as counsel to Art-Optic Ltd. pursuant to Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York. I make this declaration based on my personal knowledge and review of the relevant documents.

2. Art-Optic, Ltd. has *de facto* terminated our services representing it in the above-captioned action.

3. Ehud Bibring, the founder, director and manager of Art-Optic, Ltd., has not directly communicated with me since March 18, 2008 and has not directly communicated with any other attorney in my firm since March 23, 2008, other than a recent ministerial e-mail on August 7, 2008.

4. Prior to the breakdown in communication, Mr. Bibring was abusive and insulting to the firm's attorneys in February and March of 2008. At that point it became clear to our firm that continuation of the attorney client relationship was no longer possible.

5. In March 2008, Ehud Bibring on behalf of Art-Optic Ltd. retained Eric Sherby, Esq., an Israeli attorney who is also licensed to practice in New York, to represent him in connection with the above-captioned action. At that time in March 2008, we were advised that Art-Optic, Ltd. intended to replace our firm. It is our understanding that Sherby represented Art-Optic Ltd. in settlement negotiations beginning in March 2008.

6. Currently, Art-Optic has not paid its outstanding balance due to Shibolet in the amount of \$50,000.

7. The current posture of the case is that plaintiff filed a motion for a Temporary Restraining Order, Preliminary Injunction, Seizure, Impoundment and Destruction of Defendants' Infringing Copies and Reproduction Equipment on January 18, 2008. Defendants submitted opposition papers on February 7, 2008 and plaintiff submitted reply papers on February 19, 2008. Both parties submitted proposed findings of facts and conclusions of law on February 7, 2008. The Court held a hearing on this motion on February 20 and 21, 2008. On February 28, 2008, plaintiff filed an opposition brief to defendants' Order to Show Cause to Compel Arbitration and for a Stay. To date, defendants have not electronically filed their Order to Show Cause.

8. On February 21, 2008, the second day of the hearing, the Court ordered limited discovery. There has been some discovery taken, including an exchange of certain documents between the parties and plaintiff's inspection of defendants' counterfeit eyewear. On March 17,

2008, the Court held a conference and ordered full discovery. Once full discovery was completed, the Court indicated that it would resume the hearing.

9. For the foregoing reasons, I respectfully request that Shibolet and I be permitted to withdraw as counsel for Art-Optic, Ltd. I also respectfully request that Art Optic Ltd.'s incoming counsel be given 60 days to file a Notice of Appearance.

Dated: New York, New York
August 18, 2008

SHIBOLETH LLP

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Shira Y. Rosenfeld (SR 5392)

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